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PTO/SB/01 (12-97)

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# **DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)**

☒ Declaration Submitted with Initial Filing  
 OR  
☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	THERM2A4-CIP
First Named Inventor	MURRAY, Joseph C.
<b>COMPLETE IF KNOWN</b>	
Application Number	9 /
Filing Date	August 1, 2001
Group Art Unit	
Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insulating Packaging Material and Related Packaging System

the specification of which

(Title of the Invention)

☒ is attached hereto  
 OR  
☐ was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number: and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(c) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 366(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any of PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			YES NO	YES NO
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(a) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)

☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior information which is material to patentability as defined in 37 CFR 1.55 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/366,446	08/03/1999	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: ☒ Customer Number  OR ☐ Registered practitioner(s) name/registration number listed below  Place Customer Number Bar Code Label here.

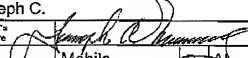
Name	Registration Number	Name	Registration Number
C. Emmett PUGH	22,826		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number or Bar Code Label  OR ☒ Correspondence address below

Name	C. Emmett PUGH				
Address	Pugh/Associates, Patent & Trademark Attorneys				
Address	82 N. Main St.				
City	Suffield	State	CT	Zip	06078-2102
Country	USA	Telephone	(860) 668-2433	Fax	(860) 668-7978

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle initial)		Family Name or Surname	
Joseph C.		MURRAY	
Inventor's Signature			Date
Residence	City	State	Citizenship
	Mobile	AL	USA
Post Office Address	5922 Windham Court		
Post Office Address			
City	Mobile	State	ZIP
		AL	36608
Country	USA		

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Applicant or Patentee: Joseph C. Murray

Serial or Patent No.: 09/366,446

Filed or Issued: August 3, 1999

For: Computerized, Monitored, Temperature Affected, Delivery System for Perishable Goods

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(b)) - **INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined, in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled "Computerized, Monitored, Temperature Affected, Delivery System for Perishable Goods" described in

[ ] the specification filed herewith.  
[X] application Ser. No. 09/366,446, filed 8/3/99  
[ ] patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

[ ] no such person, concern, or organization  
[X] persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

FULL NAME Thermal Products, Inc. (a NV corporation)

ADDRESS 5922 Windham Court, Mobile, AL 36608

[ ] INDIVIDUAL [X] SMALL BUSINESS [ ] NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

[ ] INDIVIDUAL [ ] SMALL BUSINESS [ ] NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_


ADDRESS \_\_\_\_\_

[ ] INDIVIDUAL [ ] SMALL BUSINESS [ ] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Joseph C. Murray  
NAME OF INVENTOR

  
SIGNATURE OF INVENTOR

3 AUGUST 1989  
DATE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: Joseph C. Murray

Serial or Patent No.: 09/366,446

Filed or Issued: August 3, 1999

For: Computerized, Monitored, Temperature Affected, Delivery System for Perishable Goods

I hereby declare that I am

☐ owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN

ThermaFreeze, Inc.

ADDRESS OF SMALL BUSINESS CONCERN

5922 Windham Court  
Mobile, AL 36608

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 12 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party of parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☐ the specification filed herewith

☒ application Ser. No. 09/366,446, filed 8/3/99

☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

Each person, concern or organization having any rights in the invention is listed below:

☒ no such person, concern, or organization

☐ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Joseph C. Murray

TITLE OF PERSON SIGNING: President

ADDRESS OF PERSON SIGNING: 5922 Windham Court, Mobile, AL 36608

SIGNATURE

DATE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS [37 CFR 1.9(f) and 1.27(c)] - SMALL BUSINESS CONCERN

Applicant or Patentee: Joseph C. Murray

Serial or Patent No. 09/366,446

Filed or Issued: August 3, 1999

For: Computerized, Monitored, Temperature Affected, Delivery System for Perishable Goods

I hereby declare that I am

☐ owner of the small business concern identified below:

☒ an official of the small business concern empowered to  
act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN

Thermal Products, Inc.  
(a NV corporation)

ADDRESS OF SMALL BUSINESS CONCERN

5922 Windham Court  
Mobile, AL 36608

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 12 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party of parties controls or has the power to control both.

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☐ the specification filed herewith

☒ application Ser. No. 09/366,446, filed 8/3/99

☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

Each person, concern or organization having any rights in the invention is listed below:

FULL NAME ThermaFreeze, Inc.

ADDRESS 5922 Windham Court, Mobile, AL 36608  
36608

☐ INDIVIDUAL ☒ SMALL BUSINESS ☐ NONPROFIT ORGANIZATION

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: John J. Herlihy

TITLE OF PERSON SIGNING: President

ADDRESS OF PERSON SIGNING: 9608 Donna Ave., Northridge, CA 91324

SIGNATURE

DATE